


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 TH FLOOR		
	SUBJECT	BMZA / 3209 Belair Road		

TO Mr. David Tanner, Executive Director
Board of Municipal and Zoning Appeals
417 East Fayette Street, 14th Floor

DATE: November 3, 2011

REQUEST

The Department of Planning has received Brian King's Board of Municipal and Zoning Appeals (BMZA) application to continue to use the premises for a tavern and to include live entertainment. We understand that this appeal is scheduled for hearing on November 22, 2011.

SITE

3209 Belair Road is located on the east side of the street, approximately 65' northeast of the intersection with Mareco Avenue. This property measures approximately 16' by 90' and is currently improved with a two-story attached commercial building covering the entire lot. This site is zoned B-2-2 and is located within the Belair – Erdman Business Area Urban Renewal Plan area.

ANALYSIS

Conditional Use: In this zoning district, taverns – including live entertainment and dancing, are a conditional use, requiring approval by the Board (§6-308).

Urban Renewal Plan: This property is located in the Belair – Erdman Business Area Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district.

Definition – Live Entertainment:

(a) *In general*. "Live entertainment" means and one or more of any of the following, performed live by one or more persons, whether or not done for compensation and whether or not admission is charged:

- (1) musical act (including karaoke);
- (2) theatrical act (including stand-up comedy);
- (3) play;
- (4) revue;
- (5) dance;
- (6) magic act;
- (7) disc jockey; or
- (8) similar activity. (§1-153.2).

(b) *Exclusions*. "Live entertainment" does not include adult entertainment, as defined in § 1-106 of this subtitle (§1-153.2)

The application proposes various forms of live entertainment, like musical acts, karaoke, disc jockey acts, and theatrical acts. Although the tavern closes at 2:00 a.m. daily, the live entertainment would end at midnight on six days, and at 2:00 a.m. on Saturdays.

Required Findings - Live Entertainment or Dancing: For a restaurant or tavern operating with live entertainment or dancing as an accessory use, the Board must consider imposing conditions, as appropriate, concerning:

- (1) days and hours of operation;
- (2) use of amplification, noise levels, and need for noise proofing;
- (3) limits on the size of the establishment or on the size, location, or configuration of the entertainment or dancing venue within the establishment;
- (4) number of live entertainers;
- (5) number of seats proposed for outdoor table service;
- (6) exterior lighting;
- (7) whether to limit the accessory use to live entertainment only or dancing only; and
- (8) the establishment and maintenance of:
 - (i) a traffic and parking management plan; and
 - (ii) an indoor and outdoor security plan. (§14-309)

The application states that the tavern has a capacity of 150 persons. As the applicant has indicated that “2 - 3 security men” would be on duty whenever there would be live entertainment provided, it would be helpful if the qualifications of the security personnel were stated. The application also states that parking is plentiful after 9:00 p.m. on Belair Road, but provides no plan to provide off-street parking to augment on-street parking for up to 150 persons, particularly in the 6:00 p.m. to 9:00 p.m. interval between the beginning of live entertainment and the increased availability of the on-street parking. The side streets on both sides of Belair Road are residential streets, not appropriate for extensive use by patrons of the live entertainment.

RECOMMENDATION

The Department of Planning recommends that approval of this appeal, if granted, be subject to these conditions in addition to conditions which the Board may impose:

- Establishment and maintenance of a traffic and parking management plan;
- Maintenance of an indoor and outdoor security plan;
- A copy of the use and occupancy permit for the premises must be kept on the premises and available for inspection by representatives of Baltimore City at all times;
- A copy of the written approval by the Board of Municipal and Zoning Appeals of the live entertainment provided on the premises, including details of any restrictions or limitations on the live entertainment provided, must be kept on the premises and available for inspection by representatives of Baltimore City at all times;
- A copy of all other permits and licenses required pursuant to the written approval of the Board of Municipal and Zoning Appeals must be kept on the premises and available for inspection by representatives of Baltimore City at all times.

TJS/wya/mf

cc: Brian King, Appellant